

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, DECEMBER 7, 1999  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Golding at 11:24 a.m. after the presentation and flag-raising, held on the roof, commemorating Pearl Harbor Day and thanking the men and women who helped secure our freedom.

Mayor Golding recessed the regular meeting at 11:57 a.m to convene as the Redevelopment Agency, and the Housing Authority thereafter. The regular meeting was reconvened by Mayor Golding at 12:00 p.m. with all Council Members present. The meeting was recessed by Mayor Golding at 12:17 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Mathis at 2:10 p.m. with all members present. Mayor Golding recessed the regular meeting at 3:39 p.m. to convene the Housing Authority. The regular meeting was reconvened by Mayor Golding at 3:40 p.m. with all Council Members present. Mayor Golding adjourned the meeting at 4:55 p.m.

**ATTENDANCE DURING THE MEETING:**

(M) Mayor Golding-present

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Warden-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour (er/pr)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-not present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-not present
- (8) Council Member Vargas-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comments by Don Stillwell on the following subjects: A young couple who was arrested for taking their child from the hospital and elite deviants. Mr. Stillwell also stated that public announcements such as changes in the times and dates of Council meetings should be made at the beginning of Council meetings.

Mayor Golding responded that such announcements cannot be made until Council has approved the changes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A039-B062.)

PUBLIC COMMENT-2:

Comments by Ernie Abbit regarding the De Anza Cove Community, his unanswered questions, and letters he sent to the City Council, City Attorney, and City Manager. He stated that the law should protect the quality of life not destroy it.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A074-100.)

COUNCIL COMMENT:

NONE.

ITEM-53: Seal Rock Marine Mammal Reserve.

(La Jolla Community Area. District-1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced as amended on 11/23/99.  
(Council voted 5-4. Councilmembers Mathis, Wear, Stevens and McCarty voted nay):

(O-2000-71) ADOPTED AS ORDINANCE 0-18733 (New Series)

Amending Chapter VI, Article 3, Division 10 of the San Diego Municipal Code  
by repealing and reenacting Section 63.1001, relating to Seal Rock Marine  
Mammal Reserve, to permanently establish the Seal Rock Mammal Reserve with  
a review by Council within 5 years.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A112-202.)

Motion by Mathis to adopt the ordinance with the amendment that swimming and diving  
be allowed in the water surrounding Seal Rock. Second by Wear. Failed. Yeas-1, 2, 7.  
Nays-3, 4, 5, 6, 8, M.

MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE  
ORDINANCE AS APPROVED AT THE FIRST HEARING TO INCLUDE A REVIEW  
OF THE SEAL ROCK MAMMAL RESERVE BY THE CALIFORNIA COASTAL  
COMMISSION AND THE STATE LANDS COMMISSION NOW; AND TO BE  
REVIEWED BY THE CITY COUNCIL WITHIN THE NEXT FIVE YEARS. Second  
by Stallings. Passed by the following vote: Mathis-nay, Wear-nay, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

**ITEM-310: La Media Truck Park - Phase 2. DENIED HEARING**

Request by Hal Pollard, for a hearing of an appeal from the decision of the Planning Commission in approving a proposal to expand an existing truck parking facility on an 80-acre site located at the southeast corner of La Media Road and Lonestar Road, within the Otay Mesa Development District, OMDD-I zone of the Otay Mesa Planned District. The southern half of the site (approximately 39 acres) fronts on Windsock Street and is presently developed as a truck parking/storage facility in accordance with Otay Mesa Development (OMD) Permit-95-0635, which was approved by the City in 1996. The project proposes to expand the existing facility into the northern half of the site (approximately 41 acres).

(OMD Permit (Amendment)-98-0942. Otay Mesa Community Plan Area. District-8.)

**TODAY'S ACTION IS:**

A motion either granting or denying the request for a hearing of the appeal.

**NOTE:** Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project.

If the request to allow an appeal is granted, a date and time will be determined for the hearing when the Legislative Calendar for January 2000 is approved.

**CITY MANAGER'S RECOMMENDATION:**

Deny the appeal of Hal Pollard and approve the project, subject to the conditions of approval contained in Otay Mesa Development Permit No. 98-0942.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 4 - 1 to deny the appeal and grant the permit; was opposition.

Ayes: Steele, Anderson, Brown, Stryker,

Nays: White

Not present: Butler, Skorepa

The Otay Mesa Planning Group voted 10-0-1 to support this project under the following conditions:

- ! All code violations on the existing portion of the project need to be corrected prior to proceeding with this project, and;
- ! The project needs to meet the revised guidelines for truck parking approved by the Otay Mesa Planning Group (a copy of these guidelines is attached to the Otay Mesa Planning Group's letter dated September 21, 1999).

**SUPPORTING INFORMATION:**

The project proposes to amend the previously approved Otay Mesa Development Permit (OMD-95-0635) as necessary to accommodate the expansion of an existing truck parking facility located at the southeast corner of Windsock Road and La Media Road within the Otay Mesa community. La Media Road, which fronts the project site, is designated as a future 6-lane primary arterial. On October 14, 1999, the Planning Commission denied an appeal and approved the proposed truck storage facility expansion on the subject property, subject to specific conditions of approval contained within Otay Mesa Development (OMD) Permit No. 98-0942. These conditions include specifications for minimum landscaping, vehicle access, paving surfaces, and limitations upon the types of truck storage activities that may be permitted on the property.

This decision was appealed based upon alleged inconsistencies in the City's requirements regarding the timing and construction of public improvements for "temporary" land uses. The appellant cites the inappropriateness of the City to not require the applicant for this temporary land use to construct (prior to the issuance of any building permits) the public improvements which have been determined by the City Engineer to be necessary to accommodate the "future" expansion of La Media Road and Lonestar Road along the project frontage. The appellant further believes that the absence of these public improvements while the proposed "temporary" land use is in operation could adversely impact the feasibility of achieving future light-industrial development on vacant properties further to the north and northeast by not accommodating the necessary transportation corridors and commercial vehicle access improvements required to facilitate such development in this particular segment of the Otay Mesa community.

The City Engineer has determined that the provision to require the irrevocable offers of dedication for such land uses (i.e. truck storage) within the Otay Mesa area is an acceptable mechanism that would allow the applicant to temporarily operate an interim land use on the subject property while not jeopardizing the City's ability to assure the future construction of the public improvements required to facilitate permanent land use development planned for the surrounding area. Staff, therefore, recommends denial of the appeal and approval of Otay Mesa Development Permit No.-98-0942.

All costs associated with the processing of the development application are recovered by a flat fee which has been collected from the applicant.

**LEGAL DESCRIPTION:**

The project site is more particularly described as the southwest quarter of the northwest quarter of Section 26, Township 18 south, Range 1 West, SBM, is located at the southeast corner of La Media Road and Lonestar Road, within the OMDD-I (General Industrial Subdistrict) Zone of the Otay Mesa Community Planning Area.

FILE LOCATION: PERM-98-0942 (65)

COUNCIL ACTION: (Tape location: A382-398.)

MOTION BY VARGAS TO DENY HEARING. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: Kearny Mesa Road (Ronson Road to Engineer Road) Underground Utility District.

(Kearny Mesa Community Area. District-6)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-479) ADOPTED AS RESOLUTION R-292563

Establishing the Kearny Mesa Road (Ronson Road to Engineer Road) Underground Utility District.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Kearny Mesa Road (Ronson Road to Engineer Road) Underground Utility District. The formation of this district

will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

**FISCAL IMPACT:**

SDG&E Cost: The construction cost of \$342,720 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209).

Loveland/Belock/PKB

FILE LOCATION: STRT-K-266 (38)

COUNCIL ACTION: (Tape location: A281-381.)

Hearing began at 11:46 a.m. and halted at 11:52 a.m.

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: Draper Avenue Condominiums.

Matter of the appeal of Ami Kawa from the decision of the Planning Commission in denying the request for an application for a Tentative Map, Coastal Development Permit, and La Jolla Planned District Permit. The project proposes the relocation of an existing single-family home, the demolition of 13 multi-family units in six existing buildings, and the construction of 12 townhouse condominiums, in two, three-story buildings, with a subterranean parking garage on 0.4 acres. The project site is within the La Jolla Planned District Zone 5, and located at 7518 through 7534 Draper Avenue, within the La Jolla Community Planning Area.

(98-0835 Coastal Development Permit/Tentative Map/La Jolla Planned District Permit. La Jolla Community Plan area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution in subitem A; adopt the resolution in subitem B to grant the permits; and adopt the resolution in subitem C to grant the map.

Subitem-A: (R-2000- ) CONTINUED TO JANUARY 18, 2000

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-98-0835 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said MND has been reviewed and considered by the Council and reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final MND has been reviewed and considered by the

Council prior to approving the project; and adopting the Mitigation, Monitoring, and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2000- ) CONTINUED TO JANUARY 18, 2000

Adoption of a Resolution granting or denying Coastal Development Permit and La Jolla Planned District Permit No. 98-0835 with appropriate findings to support Council action.

Subitem-C: (R-2000- ) CONTINUED TO JANUARY 18, 2000

Adoption of a Resolution granting or denying Tentative Map No. 98-0835, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 5-2 to deny staff's recommendation based on the fact that finding "A" in the La Jolla Planned District Permit Findings cannot be made and would not fulfill a community need; no opposition.

Ayes: Anderson, Skorepa, Stryker, White, Steele.

Nays: Butler, Brown.

On August 5, 1999, the La Jolla Community Planning Association voted 13-0 with no

abstentions to recommend approval of the proposed project.

**SUPPORTING INFORMATION:**

The Draper Avenue Condominium Project proposes the demolition of 13 multi-family units in six existing buildings, the relocation of a single-family home at 7520 Draper Avenue, and the construction of 12 townhouse condominiums in two, three-story buildings, with a subterranean parking garage. As proposed, the development requires a Tentative Map, Coastal Development Permit, and a La Jolla Planned District Permit.

The project site is located at 7518-7534 Draper Avenue, in a block with mixed-use development, consisting of one story, single-family residential, two to five story multi-family residential, with some retail, cultural (library), and commercial office space. The project site is within Zone 5 of the La Jolla Planned district, and is in the La Jolla Community Planning Area and the Coastal Zone (Non-Appealable Area 2). The La Jolla Community Plan designates the site for medium density (14-34 dwelling units per acre) residential use.

The Planning Commission also noted that the project site was an ideal location for affordable housing, due to its proximity to public transportation, grocery stores, drug stores, and various other services that are looked for when trying to locate low income housing.

**FISCAL IMPACT:**

None.

A deposit has been collected from the applicant to cover all costs associated with processing the proposed project.

Culbreth-Graft/Haase/DES

**LEGAL DESCRIPTION:**

The project site is located at 7518-7534 Draper Avenue, between Silver Street and Pearl Street, in the La Jolla community and is more particularly described as Lots 26, 27, 28, 29, & 30, Block 12, La Jolla Park, Map No. 352, City and County of San Diego.

FILE LOCATION: SUBITEMS A, B, & C: PERM-98-0835 [65]

COUNCIL ACTION: (Tape location: A449-493; A559-B138; C005-D367.)

Hearing began at 11:55 a.m. and recessed at 11:57 a.m. Hearing resumed at 12:00 p.m. and recessed at 12:17 p.m.

Testimony in opposition by Andy Melendez, Elia Ortiz, Francisca Garcia, Martin Valdez, Joanne Pearson, Dave Cutchin, Salley Spiess.

Testimony in favor by Rebecca Michael, Daniel Lynn.

Hearing resumed at 2:10 p.m. and halted at 3:19 p.m.

Motion by Mathis to approve the City Manager's recommendation. Second by Wear. Failed. Yeas-1,2,7,M. Nays-3,4,5,6,8.

Motion by Wear to approve the project conditioned upon staff working out a plan that a portion of the funds would be used for the benefit of the residents, and to meet what State requirement needs to be met in the Coastal Zone for replacement housing. Second by Mathis. No vote taken.

MOTION BY VARGAS TO MOVE FOR RECONSIDERATION OF THIS ITEM. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY WEAR TO CONTINUE THIS ITEM TO JANUARY 18, 2000 TO ALLOW TIME FOR THE CITY ATTORNEY AND THE HOUSING COMMISSION TO COME BACK TO COUNCIL WITH A SPECIFIC LEGAL ANSWER REGARDING THE IN-LIEU FEES. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-332: Staybridge Suites Hotel Sorrento Mesa.

Matter of a Rezone and a Planned Industrial Permit amendment (86-0975) within the Mira Mesa Community Plan area.

(RZ/PID-98-0781. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt Subitem A; introduce Subitem B and adopt Subitem C to grant the permit:

Subitem-A: (R-2000-558) ADOPTED AS RESOLUTION R-292564

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-98-0781 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that the final declaration has been reviewed and considered by the Council and adopting the Mitigation, Monitoring and Reporting program pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-2000-75) INTRODUCED, TO BE ADOPTED ON JANUARY 10, 2000

Introduction of an Ordinance rezoning from M-1B to M-1 zone.

Subitem-C: (R-2000-740) GRANTED PERMIT, ADOPTED AS RESOLUTION R-292565

Adoption of a Resolution granting or denying the amendment to Planned Industrial Permit No. 86-0975 for a 132 room hotel (PID-98-0871), with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 6-0 to approve.

Ayes: Steele, Anderson, Brown, Skorepa, Stryker, White  
Not present: Butler

The Mira Mesa Community Planning Group has recommended approval of the project.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed application package would allow for the construction of a four story, 132 room hotel complex on a parcel located within the approved Lusk Mira Mesa East Business Park within the Mira Mesa Community Plan. The 3.99 acre site is located in the eastern most portion of the 370 acre Lusk Mira Mesa East Business Park. This Planned Industrial Permit (PID) is one of several PID'S within the Sorrento Mesa Subarea of the Community Plan. Access to the site will be from Mira Mesa Boulevard at Viper Way. The rezone from M-1B to M-1 is being proposed to accommodate the hotel complex within the existing PID in accordance with the provisions of the Mira Mesa Community Plan. The Mira Mesa Community Plan has provisions

to allow hotels as a support use within PID'S, provided the total support uses do not exceed 10 percent of the gross square footage of the applicable business park. The existing Lusk Mira Mesa Business Park could total 250,000 square feet of support users. This development is proposing 95,000 square feet. There are no other support users in this business park. The hotel will have 132 rooms constructed in a U shape, 4-story complex. A total of 146 parking spaces will be provided. The project has been found to be in compliance with the adopted guidelines of the Lusk Mira Mesa East Business Park. The project will not require any variances or deviations from the development standards of the M-1 zone or the Lusk Mira Mesa East Business Park PID.

**FISCAL IMPACT:**

None.

Culbreth-Graft/Haase/RG

**LEGAL DESCRIPTION:**

The project site is located on the south side of Mira Mesa Boulevard, west of Viper Way and is more particularly described as Parcel 4, Parcel Map 17998 within the Mira Mesa Community Plan area.

FILE LOCATION: SUBITEM A & C: PERM-98-0781 (65)  
SUBITEM B: NONE

COUNCIL ACTION: (Tape location: A281-381.)

Hearing began at 11:46 a.m. and halted at 11:52 a.m.

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS AND  
INTRODUCE THE ORDINANCE. Second by Stallings. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

ITEM-333: Four actions related to San Diego Spectrum Maintenance Assessment District.  
(Kearny Mesa Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-298) ADOPTED AS RESOLUTION R-292318-2 ON  
OCTOBER 18, 1999, ITEM 204a

Resolution to levy and collect Fiscal Year 2001 annual assessments.

Subitem-B: (R-2000-299) ADOPTED AS RESOLUTION R-292587

Resolution considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the San Diego Spectrum Maintenance Assessment District.

Subitem-C: (R-2000-301) ADOPTED AS RESOLUTION R-292588

Resolution approving the Fiscal Year 2001 Budget for the San Diego Spectrum Maintenance Assessment District.

Subitem-D: (R-2000-313) ADOPTED AS RESOLUTION R-292589

Resolution approving the City Engineer's report.

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes the Fiscal Year 2001 assessments for the San Diego Spectrum Maintenance Assessment District (District). The District is to be established in Fiscal Year 2000 and is located within the Kearny Mesa Community planning area, north of Balboa Avenue, south of Clairemont Mesa Boulevard, west of State Route 163 and east of Ruffin Road. The site was previously occupied by General Dynamics. The improvements within the District generally consist of landscape and paved medians, hard scape features (sidewalks, curbs, gutters, etc.), detention basin areas, and landscaped parkways. The purpose of the District is to provide the maintenance of these improvements.

The Fiscal Year 2001 proposed maintenance costs for the District are as follows:

	<b><u>FUND</u></b>		
<b><u>DESCRIPTION</u></b>	<b><u>OPERATIONS</u></b>	<b><u>RESERVE</u></b>	<b><u>TOTAL</u></b>
<b>BEGINNING BALANCE</b>	\$ 0.00	\$ 0.00	\$ 0.00
<b>REVENUE:</b>			
Assessments	\$ 13,895.00	\$ 0.00	\$ 13,895.00
Interest	0.00	0.00	0.00
City Contribution:	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

<b>TOTAL REVENUE</b>	\$ 13,895.00	\$ 0.00	\$ 13,895.00
<b>TRANSFER</b>	(643.00)	643.00	0.00
<b>EXPENSE:</b>			
Personnel	\$ 2,808.00	\$ 0.00	\$ 2,808.00
Contractual	0.00	0.00	0.00
Incidental	10,444.00	0.00	10,444.00
Utilities	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>TOTAL EXPENSE</b>	\$ 13,252.00	\$ 0.00	\$ 13,252.00
<b>ENDING BALANCE</b>	\$ 0.00	\$ 643.00	\$ 643.00

The total proposed assessment for Fiscal Year 2001 includes two components for landscaping and drainage. Landscape component of the assessment for Fiscal Year 2001 is \$3.06 per Equivalent Benefit Unit (EBU), with a maximum assessment authorized of \$66.75 per EBU. The drainage component of the assessment for Fiscal Year 2001 is \$2.31 per acre, with a maximum assessment authorized of \$50.41 per acre. The assessment may be indexed annually by the factor published in the San Diego CPI-U. There are a total of 4,387.15 EBUs and a total of 198.39 acres within the district.

**FISCAL IMPACT:**

All costs incurred are covered by Revenues generated within the District in Fiscal Year 2001. As part of the Maintenance Assessment Districts requirements, the City is obligated to contribute to the maintenance of "General Benefit" area, such as medians. The City's expected contribution is to be \$9,419 for a maximum of 78,492 square feet (\$0.12/square foot).

Culbreth-Graft/McLatchy/Yates

FILE LOCATION: SUBITEMS A, B, C, & D: STRT-M-418 (34)

COUNCIL ACTION: (Tape location: D368-375.)

Hearing began at 3:20 p.m. and halted at 3:21 p.m.

Mayor Golding announced the ballot tally for San Diego Spectrum Maintenance Assessment District: Total Ballots Mailed - 3; No votes: 0; Yes votes: 2; Total Assessment Amount of \$292,340.46.

MOTION BY STALLINGS TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: Riviera Del Sol.

Matter of an amendment to the City's Progress Guide and General Plan, an amendment to the Otay Mesa Community Plan, a Precise Plan, a Tentative Map, a Rezone, Planned Residential Development Permit, Planned Industrial Development Permit and a Resource Protection Overlay Permit within the Otay Mesa Community Plan area.

(PGGP/CPA/TM/RZ/PRD/PID/RPO-98-0762. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt Subitems A and E; introduce Subitem B; adopt Subitem C to grant the permit and Subitem D to grant the map:

Subitem-A: (R-2000-649)                      ADOPTED AS RESOLUTION R-292566

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-98-0762 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that the final declaration has been reviewed and considered by the Council; adopting the Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-2000-83)                      INTRODUCED, TO BE ADOPTED ON  
JANUARY 10, 2000

Introduction of an Ordinance rezoning 103.6 acres from A1-10 to A1-10, R1-5000, R-1500, M-1 and OS-P.

Subitem-C: (R-2000-741)                      GRANTED PERMIT, ADOPTED AS  
RESOLUTION R-292567

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

Subitem-D: (R-2000-747)

GRANTED MAP, ADOPTED AS  
RESOLUTION R-292568

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-E: (R-2000-650)

ADOPTED AS RESOLUTION R-292569

Adoption of a Resolution approving the Riviera Del Sol Precise Plan and the accompanying amendments to the Otay Mesa Community Plan and Progress Guide and General Plan.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 7-0 to approve.

Ayes: Steele, Skorepa, Anderson, White, Stryker, Butler, Brown

The Otay Mesa Community Planning Group has recommended approval of the project.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed project to subdivide and construct 123 single-family residential units, 630 multi-family units, a self storage facility and a park with open space on a 103.6 acre site requires a Progress Guide, General Plan and Otay Mesa Community Plan Amendment, a Precise Plan, Rezone, Tentative Map and a PRD/PID/RPO Permit.

The subject 103.6 acre property consists of one legal lot and is located on the east side of Interstate 805 and the north side of State Route 905 with no direct access to either freeway. The property is accessed by the Del Sol Boulevard freeway underpass from the west and Dennery Road from the north.

The property rises from an elevation of approximately 270 feet along I-805 to the north and east reaching an elevation of 500 feet. The plan amendment will shift the land use designation on the site from single-family residential (approximately 75 percent) and open space (approximately 25 percent) to a mix of single-family and multi-family residential (approximately 67 acres including public streets), self storage (3 acres), neighborhood park (5 acres) and open space (28 acres). A maximum of 630 multi-family units and 123 single-family units are proposed.

The existing zoning is A1-10 and the proposed zones to implement the amendment to the Progress Guide, General Plan and Otay Mesa Community Plan are A1-10 (remaining on the 28 acre MHPA open space), R1-5000 for the single-family dwelling units, R-1500 for the multi-family dwelling units, M-1 for the proposed self-storage facility lot and OS-P for the public park.

**FISCAL IMPACT:**

None.

Culbreth-Graft/RK

**LEGAL DESCRIPTION:**

The 103.6-acre project site is located at the northeast corner of the Interstate 805/State Route 905 Interchange and is more particularly described as Parcel 2, Parcel Map No. 17082 within the Otay Mesa Community Planning area.

FILE LOCATION: SUBITEMS A, C, D, E: LAND - Otay Mesa PG + GP  
(09)SUBITEM B: NONE

COUNCIL ACTION: (Tape location: A281-381.)

Hearing began at 11:46 a.m. and halted at 11:52 a.m.

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS AND INTRODUCE THE ORDINANCE, GRANTING THE PERMIT AND MAP. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: Staybridge Suites.

Matter of recommending approval, conditional approval, modification, or denial of a proposed Carmel Mountain Ranch Community Plan amendment and a Rezone to redesignate a 3.7 acre site from industrial M-LI zone to industrial M-1 zone, and a Planned Industrial Development Permit amendment to allow the construction of a 118 room business related hotel with accessory uses, located on the south side of Avenue of Industry and the east side of Innovation Drive.

(CPA/PID/RZ No. 99-0381. Carmel Mountain Ranch Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions in subitems A and D; adopt the resolution in subitem C to grant the permit; and introduce the ordinance in subitem B:

Subitem-A: (R-2000-647)                      ADOPTED AS RESOLUTION R-292570

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-99-0381 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines and that said MND reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that the final MND has been reviewed and considered by the Council prior to approval of the project; and adopting the Mitigation, Monitoring, and Reporting Program.

Subitem-B: (O-2000-82)                      INTRODUCED, TO BE ADOPTED ON  
JANUARY 10, 2000

Introduction of an Ordinance rezoning a 3.7 acre parcel from M-LI to M-1.

Subitem-C: (R-2000-776)                      GRANTED PERMIT, ADOPTED AS  
RESOLUTION R-292571

Adoption of a Resolution granting or denying the Amendment to Planned Industrial Development Permit No. 85-0545, PID No. 99-0381, with appropriate findings to support Council action.

Subitem-D: (R-2000-648)                      GRANTED AMENDMENT, ADOPTED AS  
RESOLUTION R-292572

Adoption of a Resolution granting or denying an Amendment of the Progress Guide and General Plan and Amendment of the Carmel Mountain Ranch Community Plan.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 6 - 1 to approve; no opposition.

Ayes: Steele, Stryker, Anderson, Brown, Butler, Skorepa

Nays: White

The Carmel Mountain Ranch Community Council has recommended approval of the project.

**SUPPORTING INFORMATION:**

The proposed application would allow development of a 118-room hotel on a 3.7 acre lot within the Carmel Mountain Ranch Community Plan area on a site located on the south side of Avenue of Industry and the east side of Innovation Drive. The Plan Amendments, Rezone from M-LI to M-1 and the PID Amendment, are all required to permit this use on this site.

The Carmel Mountain Ranch Community Council voted 7-0-0 on June 9, 1999 to approve this request. The project was heard by the Planning Commission on November 18, 1999, and recommended for approval by a vote of 6-1 on the Consent Agenda. There was no opposition to the project.

The City Manager therefore recommends Certification of the Mitigated Negative Declaration (MND), Adoption of the MMRP, approval of the Progress Guide/General Plan/Carmel Mountain Ranch Community Plan Amendments, Rezone from M-LI to M-1 and PID Amendment Project No. 99-0381.

**FISCAL IMPACT:**

None.

Culbreth-Graft/Haase/RMK

**LEGAL DESCRIPTION:**

The project site is more particularly described as Lot 4, Rancho Carmel Unit No. 2, Map No. 10382.

<b><u>FILE LOCATION:</u></b>	SUBITEMS A, C, D: LAND- Carmel Mountain Ranch (10) SUBITEM B: NONE
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<b><u>COUNCIL ACTION:</u></b>	(Tape location: A281-381.)
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Hearing began at 11:46 a.m. and halted at 11:52 a.m.

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS AND INTRODUCE THE ORDINANCE, GRANTING THE PERMIT AND MAP. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336: Torrey Santa Fe.

Matter of approving, conditionally approving, modifying, or denying: 1) an amendment to the Progress Guide and General Plan, the North City Future Urbanizing Area Framework Plan, and the Torrey Highlands Subarea IV Plan to allow single-family and multi-family residential development on a site designated for industrial use/Joint Operations Center; 2) Rezone (RZ) from A1-10 (agricultural) to R1-5000 (single-family), R-3000 (multi-family), R-800 (multi-family), M-IP (industrial), and OS-OSP (Open Space-Open Space Parkland); 3) Tentative Map (TM) to subdivide the vacant 117.7 acre site into 267 lots (245 single-family, 8 industrial, 1 multi-family, 8 building restricted, and 5 open space); 4) Planned Residential Development Permit (PRD) to develop 245 single family and 76 multi-family affordable homes and Planned Industrial Development (PID)/Resource Protection Ordinance (RPO) Permit No. 98-0292. The subject site is located south of planned State Route 56, west of planned Camino Ruiz and north of Deer Canyon, in the Torrey Highlands Subarea. TM 98-0292 (Torrey Santa Fe)

(98-0292/General Plan/NCFUA Framework Plan/Torrey Highlands Subarea Plan Amendment/RZ/PRD/PID/RPO/TM. Torrey Highlands Subarea IV Community Plan area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions in subitems A and D; adopt the resolution in subitem C to grant the permit; adopt the resolution in subitem E to grant the map; and introduce the ordinance in subitem B:

Subitem-A: (R-2000-662) ADOPTED AS RESOLUTION R-292590

Adoption of a Resolution certifying that the information contained in Environmental Impact Report (EIR) LDR-98-0282 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said EIR reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final EIR has been reviewed and considered by the Council prior to approving the project; adoption of the Findings and Statement of Overriding Considerations; and adoption of the Mitigation Monitoring and Reporting Program (MMRP).

Subitem-B: (O-2000-85) INTRODUCED, TO BE ADOPTED ON  
JANUARY 10, 2000

Introduction of an Ordinance rezoning the site from A1-10 to R1-5000, R-3000, R-800, MI-P and OS-OSP.

Subitem-C: (R-2000-779) GRANTED PERMIT, ADOPTED AS  
RESOLUTION R-292591

Adoption of a Resolution granting or denying the Planned Residential Development (PRD), Planned Industrial Development (PID), and Resource Protection Ordinance (RPO) Permit No. 98-0292, with appropriate findings to support Council action.

Subitem-D: (R-2000-651) ADOPTED AS RESOLUTION R-292592

Adoption of a Resolution amending the Progress Guide and General Plan, North City Future Urbanizing Area Framework Plan, and the Torrey Highlands Subarea Plan.

Subitem-E: (R-2000-780) GRANTED MAP, ADOPTED AS RESOLUTION  
R-292593

Adoption of a Resolution granting or denying Tentative Map, TM-98-0292.

**OTHER RECOMMENDATIONS:**

The matter will be before the Planning Commission on December 2, 1999. Their action and vote will be presented at the City Council public hearing.

There is no officially recognized community planning group for this area. The Rancho Penasquitos Planning Board will be voting on this on December 1, 1999.

**SUPPORTING INFORMATION:**

The request is for an amendment to the Progress Guide and General Plan, the North City Future Urbanizing Area Framework Plan, and the Torrey Highlands Subarea IV Plan to allow low and low medium residential development on a site designated for industrial use/Joint Operations Center; Rezone from A1-10 (agricultural) to R1-5000 (single-family), R-3000 (multi-family), R-800 (multi-family), MIP (industrial), and OS-OSP (Open Space-Open Space Parkland); Tentative Map to subdivide the vacant 117.7 acre site into 267 lots (235 single-family, 8 industrial, 76 multi-family, 8 building restricted, and 5 open space); Planned Residential Development Permit to include 235 single-family homes, 49 multi-family, affordable homes, and 27 multi-family homes; Planned Industrial Development Permit that identifies permitted uses and development regulations

for the 8 industrial lots; and Resource Protection Ordinance Permit to regulate development of the environmentally sensitive areas of the project. The site is located in the Torrey Highlands Subarea IV Community Plan area.

**FISCAL IMPACT:**

None.

**LEGAL DESCRIPTION:**

The project site is more particularly described as located south of planned State Route 56, west of planned Camino Ruiz and north of Deer Canyon (Parcel 1, the SE Quarter of the NE Quarter, Sec. 14, T14S, R3W, San Bernardino Base and Meridian, according to the official plat thereof, and Parcel 3, Parcel C of Parcel Map 6038), Torrey Highlands Subarea IV Planning Area.

FILE LOCATION: SUBITEMS A, C, D, & E: LAND-Torrey Highlands  
Subarea IV [10]; SUBITEM B: NONE

COUNCIL ACTION: (Tape location: A409-449; D383-E065.)

Hearing began at 11:53 a.m. and recessed at 11:55 a.m.

Testimony in favor by Tom Stienke.

Hearing resumed at 3:20 p.m. and halted at 3:38 p.m.

Testimony in favor by Michael Beck, Scot Sandstrom, Tom Steinke, Jeff Smith, Marc Perlman, and David Goodell.

MOTION BY MATHIS TO INTRODUCE THE ORDINANCE, AND TO ADOPT THE RESOLUTIONS TO GRANT THE PERMIT AND THE MAP, AND TO APPROVE AS AMENDED BEFORE COUNCIL TODAY THE FOLLOWING ADDITIONAL DOCUMENTS: THE CANDIDATE FINDINGS, REPLACEMENT OF CONDITION 40, DATED DECEMBER 7, 1999. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337: Exemption of Four Program Manager Positions in the Police Department from the Classified Service: (1) Communications, (2) Fiscal Management, (3) Strategic Planning & Management, and (4) Special Events.

(See memorandums dated 9/27/99, 10/25/99, 10/29/99, and 11/16/99.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce and adopt the following ordinance:

(O-2000-88)                      INTRODUCED AND ADOPTED AS ORDINANCE  
O-18734 (NEW SERIES)

Introduction and adoption of an Ordinance amending Ordinance No. O-18667 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1999-2000 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending Document No. OO-18667 to add four Program Manager positions in the Police Department, and exempting said positions from the Classified Service.

**CITY MANAGER SUPPORTING INFORMATION:**

Upon his appointment last spring, Chief Bejarano initiated a process to evaluate the Department's structure in terms of executive and managerial assignments and responsibilities. The goal of this effort was to create an organizational structure which would foster a higher level of service internally and externally, further evolve neighborhood policing and problem solving philosophies and strategies, enhance communication and balance workload based upon current priorities and needs. As a result, executive staff responsibilities were shifted, and a number of new or modified managerial assignments emerged. To address these changes, it is recommended that: 1) a Program Manager for Communications be created to replace what has for some time been a sworn assignment filled by a Police Captain; 2) a Program Manager for Fiscal Management be created, upgrading and replacing what has been an unrepresented, classified position of Administrative Services Manager; and 3) a Program Manager for Strategic Planning and Management be created, expanding the responsibilities of the Police Special Projects Manager, an unrepresented, classified position. Additionally, it is requested that one Program Manager for Special Projects be exempted. The incumbent in this position was previously transferred from the Employee Relations and Special Projects Business Center to the Police Department to manage capital campaign fund raising efforts for Department projects and major national and international events, and to administer corporate sponsorships and private donations to Department programs.

On November 4, 1999 the Civil Service Commission approved a request from the Police Chief to exempt these four (4) Program Manager Positions from the Classified Service.

Uberuaga/Bejarano/CL

**NOTE:** See Item 213 on the regular docket of Monday, December 6, 1999 for the first public hearing. Today's action is the second public hearing and the introduction and adoption of the Ordinance.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A281-381.)

CONSENT MOTION BY WARDEN TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338: Proposed Amendments of the La Jolla Pointe Apartments Multi-Family Mortgage Revenue Bond Documents.

(See San Diego Housing Commission Report HCR-99-125. Carmel Del Mar and La Jolla Community Areas. District-1.)

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2000-81) INTRODUCED, TO BE ADOPTED ON  
JANUARY 10, 2000

Introduction of an Ordinance authorizing the amendment and restatement of the Indenture relating to the City of San Diego Variable Rate Multifamily Mortgage Revenue Demand Bonds, 1984 Issue D;

Authorizing the execution and delivery of a Financing Agreement, Regulatory Agreement and certain other documents relating to the bonds;

Authorizing the execution and delivery of a Supplemental Indenture providing for the purchase in lieu of redemption of the bonds;

Determining and prescribing certain matters related thereto, and authorizing and approving the execution and delivery of related documents and agreements and related actions.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**NOTE:** See the Housing Authority Agenda of 12/7/99 for a companion item.

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Tape location: A281-381.)

CONSENT MOTION BY WARDEN TO INTRODUCE THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339: Transfer of Funds to the Housing Commission for the Installation of Roofing at the Commission Owned Section 8 New Construction Project at Via Las Cumbres.

(See Housing Commission Report HCR-99-122. District-5.)

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-618) ADOPTED AS RESOLUTION R-292573

Authorizing and directing the City Auditor and Comptroller to transfer from Fund 30249, Low Income Housing Capital Outlay (LIHCO) Funds, an amount not to exceed \$130,020 to the San Diego Housing Commission for the installation of roofing at the Section 8 New Construction project located at 2052-2095 Via Las Cumbres.

Aud. Cert. 2000531.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A281-381.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-340: Easement Acquisition Agreement with Javier Camarena for Ocean View Blvd.

(See SEDC Report No. 99-026. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2000-644)                      ADOPTED AS RESOLUTION R-292574

Approving the use of Housing Set-Aside funds from the Gateway Center West  
Redevelopment Project Area for off-site improvements in the Central Imperial  
Redevelopment Project Area and making certain findings that such use is  
necessary to eliminate a specific condition that jeopardizes the health or safety of  
existing  
low-or moderate income residents and that the use will be a benefit to the project  
area.

Aud. Cert. 2000508.

**NOTE:** See the Redevelopment Agency Agenda of 12/7/99 for a companion item.

**FILE LOCATION:**                      MEET

**COUNCIL ACTION:**                      (Tape location: A281-381.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the  
following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-341: Request to Bid Improvements for the El Cortez Hotel on the Block Bounded by  
Ash, Beech, Seventh and Eighth Avenues.

(See memorandum from Centre City Development Corporation dated 11/9/99.  
Cortez Redevelopment District of the Expansion Sub Area of the Centre City  
Redevelopment Project. District-3.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-642) ADOPTED AS RESOLUTION R-292575

Making certain findings with respect to the payments for the improvements for the El Cortez Hotel block bounded by Ash, Beech, Seventh, and Eighth Avenues.

**NOTE:** See the Redevelopment Agency Agenda of 12/7/99 for a companion item.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A281-381.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-342: Three actions related to Project Yukon and the San Diego Underwater Recreation Area.

(See City Manager Report CMR-99-137; and Memorandum of Law dated 6/1/99.)

**TODAY'S ACTIONS ARE:**

Introduce the following ordinance in Subitem A and adopt the resolutions in Subitems B and C:

Subitem-A: (O-2000-87) INTRODUCED, TO BE ADOPTED ON  
JANUARY 10, 2000

Introduction of an Ordinance amending Chapter VI, Article 3, Division 3, of the San Diego Municipal Code by amending the Title of Division 3 to read San Diego Underwater Recreation Area and by amending Division 3 by adding Sections 63.0301 through 63.0305 relating to the San Diego Underwater Recreation Area.

Subitem-B: (R-2000-685) ADOPTED AS RESOLUTION R-292576

Authorizing the City Manager to execute an agreement with San Diego Oceans Foundation, concerning the sinking of the Yukon and the City's acceptance of the ship for placement in the San Diego Underwater Recreation Area.

Subitem-C: (R-2000-691) ADOPTED AS RESOLUTION R-292577

Certifying that the information contained in Environmental Impact Report LDR-98-0686, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration reflects the independent judgement of the City as Lead Agency and that the information contained, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with approval of Project Yukon and the San Diego Underwater Recreation Area; Adopting the Mitigation Monitoring and Reporting Program.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 6/30/99, NR&C voted 4-0 to approve forwarding to the City Council: a) An agreement between the City of San Diego and the San Diego Oceans Foundation concerning the sinking of the Yukon and the City's acceptance of the ship for placement in the San Diego Underwater Recreation Area; b) the ordinance amending and adding Municipal Code Sections 63.0301 through 63.0302 relating to establishment of the San Diego Underwater Recreation Area; and c) the Environmental Impact Review San Diego Underwater Recreation Area and HMCS Yukon Project for City Council certification. (Councilmembers Mathis, Kehoe, Stallings and McCarty voted yea. Councilmember Warden not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

On July 29, 1998, a proposal from the San Diego Oceans Foundation came before the Natural Resources and Culture Committee to create a 576-acre underwater recreation area that would have positive economic impacts on the regional economy. The underwater recreation area would be in 80 to 130 feet of water in a specified area off Mission Beach and Pacific Beach. The area would initially be used to sink the former HMCS Yukon, a 366-foot Canadian destroyer-escort, for divers and anglers to use as a recreational site. The ship itself would be placed in water no deeper than 100 feet. The area would be described in an ordinance allowing for the future addition of long-lasting objects. The purpose of the underwater recreation area would be to create a recreational diving and fishing area for the use of residents and visitors who would take advantage of San Diego's climate, calm water conditions, hotels, proximity to a major airport, and other amenities. Positive economic impacts are anticipated, including the generation of transient occupancy and other local taxes. The site was chosen because it is adjacent to the

Mission Bay Artificial Reef which already contains several smaller sunken vessels, including a Coast Guard cutter and a kelp cutter. It is also adjacent to Mission Bay Park and located on sandy bottom between the La Jolla kelp beds and the Point Loma kelp beds approximately 1.5 miles from shore. Its southerly boundary would start approximately 1 ½ mile north of a line west of the entrance to the Mission Bay Channel. Its northern boundary would extend to a line west of Law Street in Pacific Beach.

Herring/Nettleton

FILE LOCATION: SUBITEMS A & C: MEET; SUBITEM B: NONE

COUNCIL ACTION: (Tape location: A281-381.)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS AND INTRODUCE THE ORDINANCE WITH DIRECTION THAT PRIOR TO THE EXECUTION OF THE AGREEMENT, SAN DIEGO OCEANS FOUNDATION SHALL PROVIDE A MUTUALLY AGREED UPON QUALIFIED INSPECTOR TO THOROUGHLY EVALUATE ALL AREAS OF THE SHIP FOR HAZARDOUS MATERIAL AND RECOMMEND WHETHER ANY ADDITIONAL REMEDIATION IS REQUIRED TO ASSURE THE SHIP IS THOROUGHLY CLEAN OF POSSIBLE CONTAMINANTS. THE CITY MANAGER WILL DETERMINE, BASED ON THE INSPECTOR'S RECOMMENDATIONS, WHETHER ANY REMEDIATION WILL BE REQUIRED PRIOR TO THE EXECUTION OF THE AGREEMENT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-343: Two actions related to Approving Plans - Environmental Services Operations Center.

(Mira Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-616) ADOPTED AS RESOLUTION R-292578

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation, and other expenses necessary or incidental for the construction of Environmental Services Operations Center;

Inviting bids for the construction of Environmental Services Operations Center on Work Order No. 373561A;

Authorizing a contract with the lowest responsible bidder;

Authorizing the City Auditor and Comptroller to transfer \$840,000 from CIP-37-254.0, New Landfill Site - Phase 1, Fund No. 41201; and \$810,600 from CIP-32-020.0, South Chollas Landfill Improvements, Fund No. 41201; and \$300,000 from CIP-32-019.0, South Miramar Landfill Improvements, Fund No. 41201, to CIP-37-356.0, Environmental Services Operations Yard;

Authorizing the expenditure of an amount not to exceed \$6,434,000 from CIP-37-356.0, for the construction of the Environmental Services Operations Center;

Authorizing the City Manager to execute a construction contract with the lowest responsible and reliable bidder;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer funds, if any, to the appropriate reserves.

Subitem-B: (R-2000-617)

ADOPTED AS RESOLUTION R-292579

Certifying that the information contained in Addendum to Negative Declaration LDR-98-0380, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the Addendum to Negative Declaration LDR-98-0380 reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the Addendum to Negative Declaration, together with any comments received during the public review process, has been reviewed and considered by the Council.

**CITY MANAGER SUPPORTING INFORMATION:**

The Environmental Services Department is responsible for residential refuse collection, curbside commodities recycling collection, curbside greenery recycling collection, street litter collection, refuse disposal services, hazardous waste management, litter control, and code enforcement. The Department has acquired an existing operating station at 8353 Miramar Place and desires to make improvements to accommodate the department's collection activities which involve approximately 250 truck drivers and other staff members; provide facilities for the maintenance, fueling, and storage of the 182 heavy duty collection vehicle fleet and for supervision and administration of the collection functions. Moreover, the Department is committed to a Clean

Air project involving conversion of its heavy duty collection fleet from diesel power to dual fuel liquid natural gas. This proposed action will provide for the award and construction of the Environmental Services Operations Center that was designed by Conwell Shonkwiler and Associates. The project includes regrading and reconfiguring utilities at the site, constructing a vehicle maintenance station and a common area facility, remediating an existing diesel fuel island, constructing a new employee parking lot, a fleet vehicle parking lot and a new vehicle wash building.

Also included are installation of a new liquid natural gas (LNG) storage and dispensing plant, construction of a new roof for the existing vehicle maintenance facility, removing the paint spray booths and incorporating a closed circuit site security television system. The improvements required to accommodate the Environmental Services Department's operations must be completed expeditiously to facilitate relocation of certain operations from the City's 20th and B Operations Yard. It is desirable that the Environmental Services Department's operations be consolidated at the Miramar Place site as soon as possible for operational efficiency and cost savings as recommended by the Zero Based Management Review Team (ZBMR).

**FISCAL IMPACT:**

Total project cost is estimated to be \$17,243,100 of which \$10,809,000 was previously authorized; \$4,483,500 is available in CIP-37-356.0; and this request is to transfer \$1,950,600 from various CIPs, Fund 41201. Funds of \$840,000 are available in CIP-37-254.0, Fund No. 41201, \$810,600 in CIP-32-020.0, Fund No. 41201, and \$300,000 in CIP-32-019.0, Fund No. 41201.

Loveland/Belock/AO

Aud. Cert. 2000488.

FILE LOCATION: W.O. 373561A; CONT - Echo Pacific Construction, Inc.

COUNCIL ACTION: (Tape location: A281-381.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargass-yea, Mayor Golding-yea.

ITEM-344: Marketing Partnership Program.

(See City Manager Report CMR-99-234.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-681)            RETURNED TO CITY MANAGER

Approving City Council Policy 000-40, titled "Marketing Partnership Policy" and renumbering Council Policy titled "Product Endorsement" from 000-23 to 000-41;

Authorizing the City Manager to enter into a Three-Party Agreement with The Gable Group and The Pathfinder Group to provide consulting services for the implementation of the Municipal Marketing Partnership Program;

Authorizing the City Auditor and Comptroller to expend \$85,000 from Fund 100 for the agreement in Fiscal Year 2000, and, subject to appropriation, \$46,000 in Fiscal Year 2001.

Aud. Cert. 2000527.

FILE LOCATION:            MEET

COUNCIL ACTION:            (Tape location: E067-F392.)

Motion by Stevens to move forward with the City Manager's Recommendation for the Marketing Partnership Program. Second by Warden. No vote taken.

SUBSTITUTE MOTION BY KEHOE TO RETURN THIS ITEM TO THE CITY MANAGER FOR FURTHER NEGOTIATIONS, AND WITH DIRECTIONS TO LOOK AT SOMETHING CLOSER TO SIX PERCENT COMMISSION INSTEAD OF 12 PERCENT FOR THE CONSULTANTS. THIS ITEM IS TO COME BACK BEFORE COUNCIL IN JANUARY 2000. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-345: Design Agreement for the Environmental Monitoring and Technical Services Laboratory.

(Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-544)                      ADOPTED AS RESOLUTION R-292580

Authorizing the execution of an agreement with Hellmuth, Obata & Kassabaum, for design services in connection with the Environmental and Technical Services Laboratory;

Authorizing the expenditure of an amount not to exceed \$765,000 from Sewer Fund No. 41509, CIP-46-187.0, Environmental Monitoring and Technical Services Laboratory, consisting of \$550,000 for Phase I, to begin in Fiscal Year 2000 and \$215,000 to begin in Fiscal Year 2001, and for contingency and related costs, provided that the City Auditor and Comptroller, first furnishes a certificate demonstrating that the necessary funds for the expenditure under the established contract funding phases are, or will be, on deposit in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

The Environmental Monitoring and Technical Services Division conducts a comprehensive laboratory program in support of wastewater treatment and effluent disposal operations. The laboratory program ensures compliance with standards set by the state and federal governments through monitoring, sampling, and testing the wastewater entering the treatment process from industry, the wastewater treatment process itself, and the ocean environment. The information generated also is utilized as the backbone for the justification for the waiver from secondary treatment.

Currently, the Metropolitan Wastewater Department (MWWD) is using the Alvarado Laboratory facility at Lake Murray and leased spaces at Driscoll's Wharf on San Diego Bay for much of its testing. The Alvarado laboratory is shared with the Water Department. Originally designed to provide safe and efficient laboratory space for a staff of 75, more than 120 people are now working in this facility. As more of MWWD's treatment facilities come on line, the existing laboratory will become increasingly inadequate. New facilities are needed to relieve this overcrowding and at the same time staff can be removed from costly leased spaces into a City-owned facility. In July 1993, the Navy announced its plan to close the Naval Training Center (NTC). This provided a unique opportunity to obtain land without cost where MWWD could solve its laboratory space needs. MWWD has been working with San Diego State University (SDSU) in a collaborative effort to share facilities at NTC resulting in cost savings to both organizations. Transfer of the NTC property to the City of San Diego is underway, and the NTC

Reuse Plan has been developed and approved. An approximate 8-acre parcel on the Camp Nimitz side of the base has been earmarked for the proposed MWWD and SDSU Marine Sciences and Technical Services Laboratories. This project will include laboratory and associated offices of approximately 34,000 square feet, in addition to a common support facilities totaling approximately 5,400 square feet, which may be shared by the future SDSU Marine Laboratory. The project was advertised for design on July 15, 1999, and five proposals were received. A selection committee was formed, per MWWD Guidelines, and four consultants were short listed. The four companies were interviewed on October 19, 1999. Hellmuth, Obata and Kassabaum (HOK) was selected.

**FISCAL IMPACT:**

This total not-to-exceed expenditure is \$765,000. Funding for this agreement is available from Fund 41509, CIP-46-187.0.

Loveland/Schlesinger/CME

Aud. Cert. 2000453.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A281-381.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-346: Approve the Marketing and Sales of a Public Works and Utilities SOLUTION.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-622) ADOPTED AS RESOLUTION R-292581

Authorizing a Letter of Agreement with Conley, Canitano and Associates, Inc., to market and sell the Public Works and Utilities SOLUTION, together with any modifications or amendments which do not increase project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of the project and agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego wishes to enter into an agreement with Conley, Canitano & Associates, Inc. (CCAi), to develop and market a Public Works and Utilities release of The City of San Diego Street Division's specific software programs and CCAi's Industry Packaged Solution series (hereinafter referred to as the "SOLUTION"). This SOLUTION, created jointly by CCAi and the City of San Diego, will be targeted at public works and private utilities organizations, to help other cities implement the SOLUTION. Per the signed agreement between the City and CCAi, the City will provide a copy of its SAP configuration, supporting software, and personnel on an as-needed, part-time basis, in exchange for the City's choice of free consulting services or a percentage of sales of the SOLUTION. This agreement not only benefits the City monetarily, but it allows other municipalities to share in the City of San Diego's success with the implementation of the SOLUTION, making it sound public policy.

**FISCAL IMPACT:**

If the City chooses to receive a percentage of sales of the SOLUTION, it would receive \$35,000 for every \$500,000 in gross sales, or 200 hours of SAP consulting time. The average sale of the SOLUTION is expected to be \$2 - \$4 million dollars, netting the City \$140,000 - \$280,000 per sale. The target market is 2,000 public works and utility organizations in the next two years.

Loveland/Gonzalez/LM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A281-381.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-347: Extension of the City and Brown Field Aviation Park - Restated and Amended Memorandum of Understanding.

(Otay Mesa Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-561) ADOPTED AS RESOLUTION R-292594

Extending the exclusive negotiating period in the Restated and Amended Memorandum of Understanding for the Development of Brown Field to August 16, 2000.

**CITY MANAGER SUPPORTING INFORMATION:**

On February 16, 1999, the Mayor and Council authorized the City Manager to enter into a Restated and Amended Memorandum of Understanding (RAMOU) with Brown Field Aviation Park, LLC (BFAP). The Exclusive Negotiating Period was scheduled to terminate on August 16, 1999, but was extended by the Mayor and Council to December 7, 1999. BFAP has paid the City \$400,000 to date in consideration for exclusive negotiating rights in conjunction with this project. At the time of the approval of the RAMOU, there were concerns about potential environmental issues. As a result, the RAMOU included a provision for automatic extension through August 17, 2000 if all documents were fully negotiated, but could not be presented for approval because of outstanding environmental issues. A solution has been negotiated for the biological resource issues, and City staff and BFAP have worked diligently and made substantial progress towards resolving all other outstanding issues. To date there have also been two Planning Commission workshops, with a third workshop requested by the Planning Commission scheduled for January 2000.

As a result, it will not be possible to present the completed documents for approval prior to expiration of the current Exclusive Negotiating Period on December 7, 1999. The City Manager anticipates bringing the required documents to City Council for approval no later than June 2000, which will include: Master Lease, Development Agreement, Master Plan, Comprehensive Land Use Plan, Community Plan Amendment, and Otay Mesa Development District Regulations. Therefore, it is requested that the Exclusive Negotiating Period be further extended to August 16, 2000 as provided in the RAMOU.

**FISCAL IMPACT:**

None with this action.

Culbreth-Graft/Griffith/ELS

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F397-524.)

MOTION BY VARGAS TO ADOPT THE RESOLUTION TO EXTEND BROWN FIELD. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-348: Request to Bid Demolition and Construction of a Surface Parking Lot on the R7 Site.

(See memorandum from CCDC dated 11/8/99. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-643) ADOPTED AS RESOLUTION R-292582

Making certain findings with respect to the payments for demolition of on-site improvements and construction of a surface parking lot on the R7 site in the East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project Area.

Aud. Cert. 2000534.

**NOTE:** See the Redevelopment Agency Agenda of 12/7/99 for a companion item

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A281-381.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500: Easement Acquisition Agreement for Ocean View Blvd. Homeowner Tom Finley.

(See SEDC Report No. 99-028. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2000-646)                      ADOPTED AS RESOLUTION R-292583

Approving the use of Housing Set-Aside funds from the Gateway Center West Redevelopment Project Area for off-site improvements in the Central Imperial Redevelopment Project Area and making certain findings that such use is necessary to eliminate a specific condition that jeopardizes the health or safety of existing low-or moderate income residents and that the use will be a benefit to the project area.

Aud. Cert. 2000541.

**NOTE:** See the Redevelopment Agency Agenda of 12/7/99 for a companion item.

**FILE LOCATION:**                      MEET

**COUNCIL ACTION:**                      (Tape location: A281-381.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S501: Easement Acquisition Agreement for Ocean View Boulevard Homeowners Harry and Anita Romp.

(See SEDC Report No. 99-027. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2000-645)            ADOPTED AS RESOLUTION R-292584

Approving the Use of Housing Set-aside Funds from the Gateway Center West Redevelopment Project Area for Off-site Improvements in the Central Imperial Redevelopment Project Area and making findings that such use is necessary to eliminate a specific condition that jeopardizes the health or safety of existing low or moderate income residents and that the use will be a benefit to the project area.

Aud. Cert. 2000542.

**NOTE:** See the Redevelopment Agency Agenda of 12/7/99 for a companion item.

**FILE LOCATION:**            MEET

**COUNCIL ACTION:**            (Tape location: A281-381.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S502: St. Vincent DePaul Affordable Housing Covenants.

(See CCDC memorandum dated 11/18/99. Centre City and Horton Plaza Redevelopment Project Areas. District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-652)            ADOPTED AS RESOLUTION R-292585

Determining that the use of funds from the Horton Plaza Redevelopment Project Low and Moderate Income Housing Fund to provide funding for a Owner Participation Agreement with S.V.D.P. Management, Inc., in the Centre City East

Redevelopment District of the expansion sub area of the Centre City  
Redevelopment Project will be of benefit to the Horton Plaza Redevelopment  
Project.

**NOTE:** See the Redevelopment Agency Agenda of 12/7/99 for a companion item.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A281-381.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the  
following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

**CLOSED SESSION ITEM:**

**ITEM-CS-1: (R-2000-797) ADOPTED AS RESOLUTION R-292616**

A Resolution adopted by the City Council in Closed Session on December 7, 1999:

Authorizing the City Manager to execute an Amendment to the 1998 settlement  
agreement between the City and Plaintiffs. Authorizing the City Manager to accept a  
deed for approximately nine acres of real property referred to in the Amendment to the  
Settlement Agreement as Headquarter's Point.

**FILE LOCATION:** MEET

**NON-DOCKET ITEMS:**

NONE.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Golding at 4:55 p.m.

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for the Regular Meeting of Tuesday, December 7, 1999**

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FILE LOCATION:

MINUTES

COUNCIL ACTION:

(Tape location: F525.)